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DRL for KBrokenshire, CNewling, KCumberland, JSchechter

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TAGS: [PHUM](#) [PGOV](#) [PE](#)

SUBJECT: Peru: Human Rights Update

REF: A) Lima 3337  
B) Lima 2931  
C) Lima 2865  
D) Lima 2391  
E) Lima 1790  
F) Lima 2074  
G) Lima 928  
H) Lima 462  
I) Lima 2004 Human Rights Report

1. The following report provides a mid-year update on the Human Rights situation in Peru. It is not meant to be comprehensive, but rather to identify emerging trends and highlight key issues. Peru's human rights situation, in terms of the GOP's respect for the human rights of citizens, continues to improve, though significant challenges remain.

2. A separate update will be filed for Trafficking in Persons.

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Summary:  
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3. This human rights update covers highlights of the first half of 2005. Themes discussed include the following:

- GOP/NGOs Start Identity Rights Campaign (para 4-6)
- Ombudsman Reports Drop in Caseload (para 7)
- The Right to Life: Police Abuse, Prosecution for the Accomarca/Cayara Massacres, and Mob Justice (paras 8-11)
- Disappearances: Police Arrested for Kidnapping (para 12)
- Witness Protection (para 13)
- Prison Battle Spurs Construction Plans (para 12)
- Press Freedom Issues (paras 15-18)
- Outreach to Evangelical Christians on Religious Freedom (paras 19)
- Human Rights Notes: First Female is No. 1 Non-Com, Military Vote, Gays and Lesbians March, Racism in Ads Scored (para 20)
- Comment: Governability and Human Rights (para 21)

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Identity Rights Campaign Continues  
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4. The Women's Ministry (MIMDES) - in conjunction with the National Office for Registry and Identification (RENIEC), the National Institute for Adolescent and Child Welfare (INABIF), various utilities, the Catholic Church, and a variety of private companies - announced the National Crusade for the Right to a Name at a meeting in Lima on 2/17. The campaign will raise parents' awareness about the importance of getting birth certificates for their children. Right now, an estimated fifteen percent of Peruvian births go unregistered, producing a total of 95,000 new persons each year without a birth certificate. Poor indigenous women and children in rural areas are highly overrepresented among those lacking basic identity documents.

5. Leaders of the crusade are undertaking a number of public activities throughout the provinces. The coalition is also proposing a change in Peruvian Law that would allow single mothers to register children born out of wedlock with the last name of the presumed father. (Registry itself would not be considered proof of paternity under this proposal.)

6. Comment: Post has followed Peru's Identity Rights Movement since last fall. Pushed by Oxfam Great Britain, the campaign addresses a cross-cutting issue, one that affects a number of areas, including voting rights, property rights, trafficking in persons, the rights of children, etc. Perhaps the most attractive aspect of the Right to a Name Crusade is that what it proposes - a reduction in the

numbers of undocumented persons - is an achievable goal. Post would be eager to learn of similar campaigns in Latin America or in other developing countries to explore possible cooperation.

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Ombudsman's Case Load Drops  
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17. The Ombudsman's Office attended almost 60,000 cases - among them consultations, complaints and petitions - during 2004 and 2005, according to the Eighth Annual Report of that office presented to Congress in early June. The total caseload covered from April 2004 to April 2005; it represented a drop of 13.4 percent from the previous year.

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Questions on Exercise of Criminal Court Jurisdiction  
over Military Accused in Massacre Prosecution  
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18. Judge Walter Castillo of Lima's Third Provincial Penal Court on 6/1 ordered 29 members of the military, some retired, others who remain on active duty, detained for having allegedly massacred 72 campesinos in the town of Accomarca in Ayacucho in 1985. Among those to be arrested was General Jose Williams Zapata, an active duty military officer considered a hero of the operation Chauvin de Huanter, where 74 hostages at the Japanese Ambassador's Residence were rescued from MRTA terrorists in April 1997. The defendants appealed their detention, and a higher court ordered that Williams Zapata remain free on his own recognizance. So far, the police have not detained any of the accused military figures.

19. In a similar case, Judge Miluzka Cano Lopez of Lima's Fourth Provincial Penal Court ordered the arrest of 118 military figures, including retired General Jose Valdivia Duenas, for allegedly having carried out a massacre of 37 campesinos in the remote town of Cayara in Ayacucho on 5/14/1988. The court has also announced that it will ask former President Alan Garcia to testify in the case on 8/29. The accused in the case have yet to be detained by the police.

10. Comment: Press reports have criticized the fact that the accused have yet to be detained. Sources at the Institute for Legal Defense (IDL) say that both cases test the power of the police to arrest members of the military accused of human rights violations. They contend that Peruvian National Police (PNP) officials are afraid to make the necessary arrests. PNP Officials have told RSO that the arrests are in process. Active duty military officers are supposed to be detained by military authorities, and the judges are working with the military on this issue. Many of the retired soldiers who are facing charges are former NCOs and are very difficult to locate, according to the PNP. Embassy will continue to monitor these attempts by criminal court judges to exercise jurisdiction over current and former military members. End Comment.

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Mob Justice  
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11. Incidents of mob justice continue to be a human rights problem (Ref E). On March 26, Fermin Duran Inga, age 39, was found in a men's bathroom with a five year old girl in a large, popular market in San Martin de Porres. Duran said that the girl was in the bathroom when he entered. Local merchants discounted Duran's story and were about to lynch him when the police arrived. Later, the girl received a detailed medical examination and no signs of abuse were discovered. There were other cases of near-lynchings and one frustrated attempt to burn three people who had robbed a taxi cab driver in Lima in late April. In early June, angry Aymara residents of the village of Masacruz in Puno burned alive two local men accused of theft. One died and the other remains severely injured.

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Kidnapping Involves Police  
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12. Four Policemen are accused of kidnapping and extortion in the abduction of Lima businessman Raul Carlos Tucto Vigilio. He was abducted in February and his wife was forced to pay USD 30,000 for his release. Four police officers are charged with organizing the abduction. They are also being investigated for other crimes. Press reports stated that one officer's file contained four hundred previous citations for improper conduct.

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Witness Protection Still Weak  
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13. For the third time in fifteen months, unknown assailants tried to kill Luis Alberto Ramirez, the key witness in the trial of General Luiz Perez for the murders at the December Ninth Barracks in Huancaayo from 1991-1993. Ramirez was fired upon by unknown persons as he left the Institute for Legal Defense (IDL), a human rights and legal defense organization, at 6:30 PM on 6/1. A police escort saved Ramirez' life by covering Ramirez with his own body as he returned fire on the assailants.

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Prison Battle Spurs Promises to Build New Facilities  
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14. Prisoners at Peru's San Juan de Lurigancho prison fought a virtual civil war over which faction would control the smuggling of drugs and guns into the facility on 2/8 (Ref G). Five were killed and twenty-five wounded as inmates from different cell blocks battled for eight hours, using an astonishing array of arms that included revolvers, hand-held automatic weapons (among them 9 mm Uzis), and hand grenades. Five hundred police were called in to quell the violence. Prison experts warned that anarchy in Lurigancho cannot be solved without reforms to Peru's clogged and corrupt judicial system. In his address to the nation on 7/28, president Toledo promised that the GOP would construct two more high security prisons (Ref A).

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Press Freedom  
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15. In January, the Anti-Corruption Chamber of the Lima Superior Court convicted fifteen persons -- among them former newspaper owners, military officers, and government officials -- to prison sentences ranging from two to eight years for participating in a scheme directed by former President Alberto Fujimori's Intelligence Advisor, Vladimiro Montesinos, to manipulate the news through systematic bribes paid to the owners, editors, and writers of various tabloids during Fujimori's second term (1995-2000). The court's decision received highly favorable coverage in the local media, whose members believe that Montesinos' manipulations undermined their own credibility (Ref H).

16. A group of Aguarunas, an Amazonian indigenous group, kidnapped journalist Luis Alberto Pena Vergaray and his translator for five days in May. Allegedly, the kidnapping was motivated by locals' desire to participate in an investigation into the killings of four health workers in the same area earlier in the year (Refs B, D).

17. The Lima Superior Court's Fifth Chamber nullified a trial court's conviction of British journalists Sally Bowen and Jane Holligan for libeling narco-kingpin Fernando Zevallos on 6/27 (Ref C). Bowen's and Holligan's case became a cause celebre for press freedom when, in May, a lower court ruled that both were guilty of libel for having quoted a source in their book, "The Accidental Spy," who alleged that Fernando Zevallos was a narcotrafficker (Ref F). (Note: Zevallos appeared on the most recent USG Drug Kingpin List. End Note.) The Superior Court found that trial court Judge Alfredo Catacora had violated Bowen's and Holligan's due process rights and ordered a new trial before a different judge. The court also issued a reprimand to Judge Catacora and recommended that the judiciary's disciplinary agency, the Office of Control of Magistrates (OCMA), investigate Catacora's conduct. While the new ruling does not end the case, it starts the process of reversing a much-protested miscarriage of justice and infringement upon press freedom.

18. Brothers Moises and Alex Wolfenson, two newspaper publishers on trial for press and media corruption during the Fujimori era, were released on 7/9 as the result of a decision of the Supreme Court, which applied a law recently passed by Congress that equated house arrest with prison sentencing in calculating the total of time served. The Wolfensons' release set off a public outcry and two weeks later the Constitutional Tribunal found the new law unconstitutional. The Wolfensons' returned to detention. Congress has since revoked the law.

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Peruvian Evangelical Christians and HRR  
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19. The Human Rights Report can be an excellent vehicle for outreach to new groups. Its advocacy for religious equality in the eyes of the law proved a winning point with Peru's rapidly growing Evangelical Christian community. On 3/29, Emboff made a presentation about U.S. Human Rights Policy and the role of Human Rights in U.S. History to the Union of Peruvian Evangelical Christians (UNICEP), an umbrella organization that represents some 6,000 churches with a total membership of 300,000 nationwide. Peruvian

Evangelicals are pushing hard to amend Article 50 of the Peruvian Constitution, which recognizes the special historic role that the Catholic Church has played in Peruvian society. Article 50 has become the basis for a number of special tax, educational and legal benefits that the Catholic Church enjoys. (Note: If other posts are interested in a draft of the PowerPoint presentation used, e-mail brooksd2c@state.gov. End Note.)

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Human Rights Notes  
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20. The following noteworthy events also took place during the period.

-First Female Takes Top Spot in Air Force School: In March, Maria Veronica Estrada Sevillano, 21 years of age, became the first woman to enter as the top ranked cadet into the Peruvian Air Force's School for Non-Commissioned Officers. Estrada scored highest of 212 cadets on the school's entrance exam, the first time that a woman has achieved this honor in the school's 64 year history. Of 212 cadets in the entering class, 74 are women. Ms. Estrada's achievement made front page headlines in Lima daily of record "El Comercio." She plans to become an airplane mechanic.

-Military Members Get the Vote: The Peruvian Congress approved a law extending voting rights to serving members of the Military and Police on March 10. Both groups will be able to exercise suffrage in 2006. The new law will extend voting rights to an additional 200,000 persons.

-Lesbians, Gays and Bisexuals March in Lima: A group of hundreds of lesbians, gays, and bisexuals marched in downtown Lima on 7/16. This was the fourth annual such march. Congresswoman Cecilia Tait, author of a draft law prohibiting sexual discrimination, addressed the marchers, who were accompanied by a variety of youth and leftist groups.

-Lima Anti-Racism Activists Award "Prizes" for Racist Ads: The Lima-based Association in Favor of Human Rights (APDH), a branch of the National Coordination Group for Human Rights, has been running a strong campaign focusing on racism in Peruvian daily life. The group has carried out demonstrations, published articles and, last March, gave out awards to companies it felt used racist and socially excluding images in advertising. This year's winner was Grupo Gloria, S.A., a producer of milk-based products whose advertising, according to critics, only features ethnically white Peruvians. (Peruvian advertising in general features blonde, blue-eyed persons, who form a distinct minority. It also frequently portrays darker-skinned individuals, particularly Afro-Peruvians, in terms of negative stereotypes.)

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Comment:  
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21. Peru's human rights situation, in terms of the GOP's respect for the human rights of citizens, continues to improve. A worrisome trend is the violation of human rights by non-state actors - narcotraffickers, police acting outside official duties, violent criminals, citizen vigilantes and others - in ways that suggest how gaps in governability threaten citizens and produce frustration with democracy.  
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